

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: \_\_\_\_\_ ) Chapter 11  
                  ) \_\_\_\_\_  
EASTERN LIVESTOCK CO., LLC,         ) Case No. 10-93904-BHL-11  
                  ) \_\_\_\_\_  
Debtor.                  ) \_\_\_\_\_

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**CORRECTED PROPOSED AGENDA FOR OMNIBUS HEARING ON  
DECEMBER 17, 2012 AT 10:00 A.M. EST**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this proposed agenda for the hearing scheduled for December 17, 2012 at 10:00 a.m. EDT ("Hearing") in Room 103, U.S. Courthouse, 121 W. Spring Street, New Albany, Indiana.

**DIAL IN INFORMATION** The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

**A. ELC MAIN CASE MATTERS**

1. Trustee's Motion To Approve Additional Immaterial Modification To Trustee's First Amended Chapter 11 Plan Of Liquidation On Shortened And Limited Notice (Docket #1607)

*STATUS: Objection deadline is 9:00 a.m. EST on December 17, 2012.*

2. Fee applications:
  - i. Kroger, Gardis & Regas, LLP (Docket #1545)
    1. Objections/Reservations:
      - a. Bluegrass Stockyards, LLC, et al. (Docket #1612)
      - b. Alabama Livestock Auction, Inc., et al. (Docket #1619)
    - ii. Development Specialists, Inc. (DSI) (Docket #1551)
      1. Objections/Reservations:
        - a. Bluegrass Stockyards, LLC, et al. (Docket #1616)
        - b. Alabama Livestock Auction, Inc., et al. (Docket #1623)

iii. Hoover Hull LLP (Docket #1555)

1. Objections/Reservations:

- a. Bluegrass Stockyards, LLC, et al. (Docket #1613)
- b. Alabama Livestock Auction, Inc., et al. (Docket #1620)

iv. James A. Knauer as Trustee (Docket #1556)

1. Objections/Reservations:

- a. Bluegrass Stockyards, LLC, et al. (Docket #1615)
- b. U.S. Trustee (Docket #1617)
- c. Alabama Livestock Auction, Inc., et al. (Docket #1622)

v. Faegre Baker Daniels LLP (Docket #1562)

1. Objections/Reservations:

- a. Bluegrass Stockyards, LLC, et al. (Docket #1614)
- b. U.S. Trustee (Docket #1618)
- c. Alabama Livestock Auction, Inc., et al. (Docket #1621)

2. Trustee's Response to Limited Objection of U.S. Trustee (Docket #1629)

3. Motion To Quash Or Modify Third Amended Notice Of Deposition Of Sean White And Subpoena Duces Tecum (Docket #1283)

*STATUS: The motion is moot pursuant to the approved settlement with Superior Livestock Auction, Inc.*

## **B. ELC ADVERSARY PROCEEDINGS MATTERS**

1. ***Texas Interpleader*** (Adv. Proc. 11-59093)

i. Motions to Alter or Amend Nichols summary judgment order (*Order*, Doc. #453)

1. Motions: Friona and J&F (Doc. #467); Trustee (Doc. #478, 479); Fifth Third (Doc. #480, 481).
2. Nichols objections and replies (Doc. #510, 511, 512).
3. Replies: Trustee (Doc. #516); Fifth Third (Doc. #517); J&F and Friona (Doc. #518); Cactus (Doc. # 513)

*STATUS: Fully briefed. Scheduled for hearing, if necessary.*

- ii. Trustee's Second Amended Motion For Release Of Undisputed Portion Of Interpleaded Funds (Docket #520)
  - 1. Objection: Bynum Ranch Company, Frank Powell, Bobby And Debbie Bynum, Bill Davis, Davis Quarter Horse And Johnny Mayo, Jr. (Docket #521)
  - 2. Trustee's Response (Docket #522)
- iii. Del Cotto Group Parties' Motion for Determination as to Confidentiality of Documents Produced to Data Room or, Alternatively, to File Documents Under Seal as Required by Discovery Protocol and Confidentiality Agreement (Docket #376); Response (Docket #429)

*STATUS: Parties request the Court to continue hearing the motion until the February 2013 omnibus hearing.*

- 2. **Innovative (Kansas Interpleader)**, (Innovative Livestock Services, Inc., et al. v. Eastern Livestock Co., LLC, et al., Adv. Proc. 11-59098)
  - i. Trustee's Motion For Release Of Undisputed Portion Of Interpleaded Funds (Docket #76)
  - ii. Trustee's Amended Motion For Release Of Undisputed Portion Of Interpleaded Funds (Docket #78)

*STATUS: No objections filed.*

- 3. **Atkinson Livestock** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC v. Atkinson Livestock Market, LLC, Adv. Proc. 11-59094)
  - i. Pretrial conference

*STATUS: Trustee anticipates seeking leave to file amended complaint to add fraudulent transfer claims*

4. **Fredin Brothers (Colorado Interpleader)**, (Fredin Brothers, Inc. v. Bankers Bank, et al., Adv. Proc. 11-59108)
  - i. Pretrial conference

*STATUS: Trustee is initiating settlement proposals.*

5. **Allen Barry** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC v. Allen Barry, Adv. Proc. 12-59012)
  - i. Initial Pretrial conference

*STATUS: Service of process completed. Mr. Barry so far has been unable to obtain Indiana bankruptcy counsel.*

## C. MATTERS IN RELATED CASES

1. **In re East-West Trucking**, Case No. 10-93799
  - i. No matters scheduled.
2. **In re Thomas and Patsy Gibson**, Case No. 10-93867
  - i. Hearing re application for compensation of Fouts & Co., LLC (Docket #737) only if objection(s) filed

## D. MATTERS UNDER ADVISEMENT

1. **Trustee's Motions for Partial Summary Judgment on Statutory Trust and Clearing Agency Issues** – Supplemental Responses (filed August 15, 2012); Trustee's Supplemental Replies (filed November 15, 2012) [*Texas Interpleader*] [*Downs Adversary Proceeding*]
2. **Motion To Dismiss Complaint Of Defendants' James Edens IV And E4 Cattle Company** (In re James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs James Edward Edens, IV and E4 Cattle Company, Adv. Proc. 12-59036) [*Edens Adversary Proceeding*]

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

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### **CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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